

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-HC-2171-D

MARQUISE D. CARTER,

Petitioner,

v.

STEPHANIE HOLLEMBAEK,

Respondent.

ORDER

On April 18, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 8]. In that M&R, Judge Numbers recommended that the court dismiss Marquise D. Carter’s 28 U.S.C. § 2241 petition for failure to state a claim upon which relief can be granted. See id. No party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 8].

In sum, the petition is DISMISSED. Carter’s motion for leave to proceed in forma pauperis [D.E. 4] is DENIED AS MOOT, and the court DENIES a certificate of appealability. See 28 U.S.C.

§ 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 11 day of November 2016.



JAMES C. DEVER III
Chief United States District Judge